

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. : 04-30070KPN

PETER K. FREI,)
Plaintiff)
)
vs.)
)
TOWN OF HOLLAND, BOARD OF HEALTH,)
HOLLAND CONSERVATION COMMISSION,)
HOLLAND POLICE DEPARTMENT,)
PLANNING BOARD, ZONING BOARD OF)
APPEALS, Ronald Benoit, Debra Benveniste,)
Sally Blais, Richard Blease, Harold E. Congdon,)
Robert Dymon, Robert Ford, Kevin Gleason,)
Benjamin Haller, William Hardy, Earl Johnson,)
Helen Kreiger, Marilyn LaPlante, Joanne May,)
Vincent J. McCaughey, Dora Metrelis,)
Arthur A. Quinn, Brian Roche, John Stevens,)
Defendants)

FILED
U.S. DISTRICT COURT
DISTRICT OF MASS
APR 30 AM 11:27

**DEFENDANTS' MOTION FOR MORE DEFINITE STATEMENT
OR, IN THE ALTERNATIVE, FOR AN EXTENSION OF TIME**

NOW COME the defendants and move this Court, pursuant to Fed. R. Civ. P. 12(e) for a more definite statement. As grounds therefor and in support thereof, the defendants state that the amended pleading filed by the plaintiff is approximately 95 pages long and contains over 830 paragraphs by its own admission, spanning matters which occurred over 17 years. The defendants state that the complaint is so vague and/or ambiguous that they cannot reasonably be required to frame a responsive pleading thereto. It is impossible for the individual defendants to determine which of the counts purportedly relate to them and further, which of the allegations form the subject matter of the counts. Clearly, there are issues relating to the statute of limitations but it is impossible, from the complaint as drafted, to frame a Motion to Dismiss in connection therewith.

In the alternative, the defendants herein request an extension of time within which to file their responsive pleading and/or Motion to Dismiss and/or a stay of this matter pending resolution of the Superior Court matter presently pending in the Hampden County Superior Court which is scheduled for trial June 10, 2004. Again, the enormity of the Complaint warrants an extension so as to allow appropriate defendants to attempt to segregate out claims which relate to them, to the extent that it is possible, and file a dispositive motion, if appropriate. To do so would clearly require more time than that allowed to file an Answer under the Federal Rules of Civil Procedure. The defendants note that the plaintiff served an Amended Complaint and warned them of his intent to seek a default if a responsive pleading is not filed within 10 days thereof in accordance with Fed. R. Civ. P. 15(e). Moreover, resolution of the underlying matter may clarify some or all the issues herein.

WHEREFORE, the defendants respectfully request that this Court order that a more definite statement be served before they are required to interpose a responsive pleading and/or Motion to Dismiss. Alternatively, the defendants respectfully request that they be provided with a period of 60 days within which to file Answers and/or dispositive motions and/or that this matter be stayed pending resolution of the state court action.

THE DEFENDANTS
TOWN OF HOLLAND, ET AL.

CERTIFICATE OF SERVICE

I hereby certify that on this day a true copy of the above document was served upon the attorney of record for each party by mail/by hand.

Date: 4/30/04 Nancy Frankel Pelletier

By Nancy Frankel Pelletier
Nancy Frankel Pelletier, Esq., of
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BBO No.: 544402

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Plaintiff

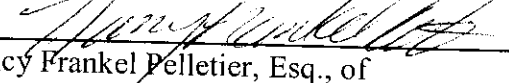
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Vincent J. McCaughey, Dora Metrelis,
Arthur A. Quinn, Brian Roche, John Stevens,
Defendants

NOTICE OF APPEARANCE

Please enter my appearance on behalf of the defendants in the above-captioned case.

THE DEFENDANTS

By 
Nancy Frankel Pelletier, Esq., of
Robinson Donovan, P.C.
1500 Main Street, Suite 1600
Springfield, Massachusetts 01115
Phone (413) 732-2301 Fax (413) 785-4658
BBO No.: 544402

CERTIFICATE OF SERVICE

I, Nancy Frankel Pelletier, Esq., hereby certify that on this 30th day of April, 2004, I served a copy of the above upon the parties in the action by mailing, postage prepaid, to Peter K. Frei, Pro Se, P.O. Box 500, Brimfield, MA 01010-0500.

Subscribed under the penalties of perjury.


Nancy Frankel Pelletier, Esq.